

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEVIN YESZIN and PAUL HARRISON,

Plaintiffs,

vs.

CASE NO.: 11-10466

NEOLT, S.P.A., an Italian corporation,

HON. LAWRENCE P. ZATKOFF

Defendants.

ORDER

This matter is before the Court on Plaintiffs' Motion to Extend Time for Completion of Discovery on Jurisdictional Issues [dkt 20] and Defendant's Motion to Dismiss for Lack of Personal Jurisdiction [dkt 5]. Defendant has filed its response to Plaintiffs' Motion, to which Plaintiffs have not replied. Defendant's Motion has been fully briefed. Therefore, pursuant to E.D. Mich. L.R. 7.1(f)(2), it is hereby ORDERED that the Motions be decided on the briefs submitted. For the following reasons, Plaintiffs' Motion is GRANTED, and Defendant's Motion is DISMISSED WITHOUT PREJUDICE.

Plaintiffs' Complaint claims injuries allegedly caused to Plaintiffs by a drafting table manufactured and designed by Defendant. In lieu of answering the Complaint, Defendant filed a Motion to Dismiss the case, alleging the Court's lack of personal jurisdiction. On December 14, 2011, the Court entered an Order [dkt 13] permitting limited discovery on the question of personal jurisdiction over Defendant. The Court granted the parties thirty days to conduct discovery limited to the jurisdictional issue, with briefs then due on January 17, 2012.

On January 20, after discovery disputes arose between the parties, Plaintiff filed a Motion to Compel Discovery on January 20, 2012.

On January 23, 2012, the Court entered an Order [dkt 19] extending the discovery deadline to February 13, 2012, based on the discovery disputes and information requested from third-parties. Meanwhile, Plaintiffs' Motion to Compel was scheduled for a hearing before Magistrate Judge Whalen, set to take place on February 28, 2012.

On February 6, 2012, Plaintiffs filed the instant Motion, seeking to extend the time period for limited discovery and briefing due to the fact that the hearing on their Motion to Compel Discovery would not be held until after discovery was set to close. Defendant filed a response in opposition to the instant Motion, arguing that Plaintiffs have all necessary discovery and that Plaintiffs' purported deposition of Neolt employees was improper and unnecessary. These issues were addressed at the February 28, 2012 hearing, where Plaintiffs' Motion to Compel was granted in part and denied in part. As the scope of discovery was altered by the partial granting of Plaintiffs' Motion to Compel, the Court finds it appropriate to extend the limited discovery and briefing periods as described below.

Accordingly, it is HEREBY ORDERED that Plaintiffs' Motion to Extend the Limited Discovery Period is GRANTED.

IT IS FURTHER ORDERED that discovery in accordance with the Court's February 28, 2012, Order and respecting the issues of Defendant's contacts with the State of Michigan and the origin of the drafting table in question in this case, shall be completed on or before April 2, 2012.

IT IS FURTHER ORDERED that, following the conclusion of such limited discovery, the parties shall submit to the Court supplemental briefing as follows:

- A. Plaintiff shall submit a brief of no more than 15 pages addressing the question of whether the Court may exercise personal jurisdiction over Defendant. Plaintiffs' brief must be submitted on or before 5 p.m. on Monday, April 9, 2012;
- B. Defendant may submit a response brief of no more than 15 pages on or before 5 p.m. on Monday, April 16, 2012.

IT IS FURTHER ORDERED that, in light of the recent developments in this case and the briefing order described above, Defendant's previously filed Motion to Dismiss for Lack of Personal Jurisdiction [dkt 5] is rendered moot and is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 7, 2012